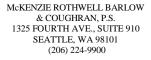
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6			
7	UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON		
8	AT SE	ATTLE	
9	BOARD OF TRUSTEES OF THE		
10	WESTERN METAL INDUSTRY PENSION FUND,	NO.	
11	Plaintiff,	COMPLAINT FOR BREACH OF	
12	v.	COLLECTIVE BARGAINING AGREEMENT AND DELINQUENT	
13	PAUL BRONG MACHINE WORKS, LLC, Oregon Registry No. 52366292,	CONTRIBUTIONS (ERISA)	
14	Defendant.		
15			
16	For their complaint, plaintiffs allege as follows:		
17	I. PARTIES AND JURISDICTION		
18	1. Plaintiff is the Board of Trustees of the Western Metal Industry Pension Fund		
19	("Trust Fund"), a joint labor-management trust fund created under Section 302(c) of the		
20	Labor Management Relations Act, (hereafter referred to as the Act), 29 U.S.C. 186(c) and		
21	governed by the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1001, et seq.		
22	as amended (hereafter ERISA).		

COMPLAINT FOR BREACH OF COLLECTIVE BARGAINING AGREEMENT – 1





	T.	
1	2.	Paul Brong Machine Works, LLC ("Paul Brong") is an Oregon limited liability
2	company with	h its primary place of business located at 421 NE 12 th Avenue, Portland, Oregon
3	97232.	
4	3.	Jurisdiction is conferred on this Court by ERISA § 502, 29 U.S.C. § 1132.
5	4.	Venue is appropriate in the Division of Seattle, King County, WA under
6	ERISA § 502	2(e)(2), 29 U.S.C. § 1132(e)(2), because the Trust is administered in King
7	County, Washington.	
8		II. CLAIM FOR RELIEF
9	5.	At all material times, Paul Brong has been signatory to a collective bargaining
10	agreement ("	CBA") and other agreements with the International Association of Machinists
11	and Aerospace Workers, Willamette Lodge No. 63 (the "Union").	
12	6.	At all material times, Paul Brong was, and is, obligated to perform in
13	accordance with the terms of the CBA and any other agreements between it and the Union.	
14	7.	The CBA and other agreements incorporate the terms of the Trust Agreement
15	governing the	e Trust Fund.
16	8.	At all material times, Paul Brong was required to submit contributions to the
17	Western Meta	al Industry Pension Fund on behalf of its employees performing work covered by
18	the CBA.	
19	9.	Paul Brong has failed to submit its contributions in accordance with the CBA,
20	its other agre	ements, and the Trust Agreement thereby breaching ERISA §§ 502 and 515, 29
21	U.S.C. §§ 113	32 and 1145.
22	10.	Paul Brong has employed employees for whom employee benefit contributions

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- 1			
	are due under this obligation but has failed and refuses to make the required monthly		
	contributions for such employees to the plaintiff Trust Fund.		
	11. Paul Brong owes an unknown amount of contributions and late fees to the		
	Trust Fund for the period of June 2018 through current. The amount will be proved upon		
	motions or at trial.		
	12. Under the terms of the trust agreement creating the Trust Fund and ERISA		
	§ 502(g)(2), 29 U.S.C. § 1132(g)(2), Paul Brong is obligated to pay liquidated damages,		
	interest, reasonable attorney's fees, and costs and expenses of suit.		
	13. Paul Brong owes \$1,374.76 comprised of \$644.46 in interest, \$630.30 in		
	liquidated damages, and \$100 in referral attorney fees for the delinquent month of May 2018.		
	14. Paul Brong owes an unknown amount of liquidated damages, interest,		
	attorney's fees, and costs and expenses of suit for the period of June 2018 through current.		
The amount will be proven upon motions or at trial.			

COMPLAINT FOR BREACH OF COLLECTIVE BARGAINING AGREEMENT – 3

McKENZIE ROTHWELL BARLOW

1	WHEREFORE, the plaintiff prays for judgment against Paul Brong Machine Works,	
2	LLC as follows:	
3	(a) For all contributions, liquidated damages, interest, and attorney fees found to be	
4	due and owing for May 2018 through date of judgment;	
5	(b) For actual attorney fees and costs of expenses of suit; and	
6	(c) For such other and further relief as the Court deems just and equitable.	
7	DATED THIS 15 th day of May, 2019.	
8	/s/ Noelle E. Dwarzski Noelle E. Dwarzski, WSBA # 40041	
9	McKENZIE ROTHWELL BARLOW & COUGHRAN, P.S.	
10	Attorneys for Plaintiff Trusts 1325 Fourth Ave., Suite 910	
11	Seattle, WA 98101	
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COMPLAINT FOR BREACH OF COLLECTIVE BARGAINING AGREEMENT – 4

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